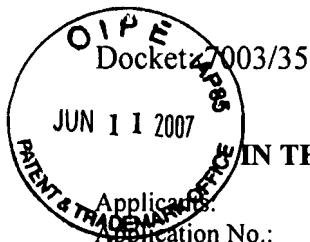


IFW
1651



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Martina Rimmele et al.
Application No.: 10/527,345
Intl. Filing Date: 08/20/2003
Title: USE OF AN ANALYZING SUBSTANCE FOR DETECTING AN EXPLOSIVE
Examiner: Unassigned
Group Art: 1651
Confirmation No.: 2143
Docket: 7003/35

INFORMATION DISCLOSURE STATEMENT (IDS)

MAIL STOP AMENDMENT

Commissioner For Patents
P.O. Box 1450
Alexandria, VA 22313-1450

SIR:

In accordance with 37 C.F.R. §1.56 and in compliance with 37 C.F.R. §§1.97 and 1.98, the references listed on attached Form PTO/SB/08 and/or subsequently identified herein, are being submitted herewith for consideration by the United States Patent and Trademark Office.

I. COPIES

- a. ☒ A legible copy of (i) each foreign patent; (ii) each publication or that portion which caused it to be listed; and (iii) all other information or that portion which caused it to be listed, is included herewith.
- b. ☐ Any patents, publications or other information which are listed on PTO/SB/08 which are not enclosed herewith were previously cited by or submitted to the PTO in one of the following applications which has been relied upon for an earlier filing date under 35 U.S.C. §120:

U.S. Serial Number

U.S. Filing Date

II. CONCISE EXPLANATION OF THE RELEVANCE (check at least one box)

- a. ☐ Except as may be indicated below in (b) of this section, all of the patents, publications or other information are in the English language (concise explanation not required).
- b. ☒ A concise explanation of the relevance of all patents, publications or other information listed that is not in the English language is as follows:
Foreign reference #1 was cited in the International Search Report in the priority PCT application, An English abstract is enclosed.
- c. ☐ The following additional information is provided for the Examiner's consideration:

III. ☐ CROSS REFERENCE TO RELATED APPLICATION(S)

The Examiner is advised that the following co-pending application(s) contain(s) subject matter that may be related to the present application. By bringing this (these) applications to the Examiner's attention, Applicant(s) does(do) not waive the confidentiality provisions of 35 U.S.C. §122.

Serial No.

Filing Date

Art Unit

FEES

- IV. ☒ **THIS IDS IS BEING FILED UNDER 37 C.F.R. §1.97(b):** (check one box)
- a. ☐ within three months of the filing date of a national application other than a continued prosecution application under § 1.53(d) (37 C.F.R. §1.97(b)(1)). No fee or statement is required.
 - b. ☐ within three months of the date of entry of the national stage as set forth in § 1.491 in an international application (37 C.F.R. §1.97(b)(2)). No fee or statement is required.
 - c. ☒ before the mailing date of a first Office Action on the merits (37 C.F.R. §1.97(b)(3)). No fee or statement is required.
 - d. ☐ before the mailing date of a first Office Action after the filing of a request for continued examination under § 1.114 (37 C.F.R. § 1.97(b)(4)). No fee or statement is required.
- V. ☐ **THIS IDS IS BEING FILED UNDER 37 C.F.R. §1.97(c):** (check one box)
before the mailing date of any of a Final Office Action under 37 C.F.R. §1.113, a Notice of Allowance under 37 C.F.R. §1.311, or an action that otherwise closes prosecution in the application (See 37 C.F.R. §1.97(c)).
- a. ☐ No statement; therefore, charge deposit account _____ the fee set forth in 37 C.F.R. §1.17(p).
 - b. ☐ See the statement below. No fee is required.
- VI. ☐ **THIS IDS IS BEING FILED UNDER 37 C.F.R. §1.97(d):**
on or before payment of the issue fee and is accompanied by the following:
- 1) a statement under 37 C.F.R. §1.97(e) as provided below; and
 - 2) charge deposit account _____ the petition fee set forth in §1.17(p).
- VII. ☐ **STATEMENT UNDER 37 C.F.R. §1.97(e)** (check only one box, if applicable)
The undersigned hereby states that
- a. ☐ each item of information contained in the IDS was cited in a communication from a foreign Patent Office in a counterpart foreign application not more than three months prior to the filing of IDS; or
 - b. ☐ no item of information contained in the IDS was cited in a communication from a foreign Patent Office in a counterpart foreign application, and to knowledge of the person signing the statement after making reasonable inquiry, no item of information contained in the IDS was known to any individual designated in 37 C.F.R. 1.56(c) more than three months prior to the filing of this statement, or
 - c. ☐ some of the items of information contained in the IDS were cited in a communication from a foreign Patent Office. As to this information, the undersigned states that each item of information contained in the IDS was cited in a communication from a foreign Patent Office in a counterpart foreign application not more than three months prior to the filing of this IDS. As to the remaining information, the undersigned hereby states that no item of this remaining information contained in the IDS was cited in a communication from a foreign Patent Office in a counterpart foreign application or, to the knowledge of the person signing the statement after making reasonable inquiry, no item of information contained in the IDS was known to any individual designated in 37 C.F.R. 1.56(c) more than three months prior to the filing of this statement.
- VIII. **PAYMENT OF FEES**
- ☐ A check in the amount of _____ is enclosed for the above-identified fee(s).
 - ☐ Please charge Deposit Account No. _____ in the amount of \$180.00 for the above-indicated fee(s).
 - ☒ If Applicant has overlooked any additional fees, or if any overpayment has been made, the Commissioner is hereby authorized to credit or debit Deposit Account 50-1047.
 - ☐ Two Copies of this paper are attached for Deposit Account charges and debits.

It is Applicant(s)' opinion that the claims presently on file patently distinguish the present invention from each of these references. The above references are being cited only in the interests of candor and without any admission that they constitute statutory prior art or contain matter which anticipates the invention or which would render the same obvious, either singly or in a combination, to a person of ordinary skill in the art.

If the Examiner has any questions concerning this IDS, he/she is requested to contact the undersigned. If it is determined that this IDS has been filed under the wrong rule, the PTO is requested to consider this IDS under the proper rule (with a petition if necessary) and charge the appropriate fee to Deposit Account No. 50-1047.

Respectfully submitted,
MAYER & WILLIAMS PC



Keum J. Park
Attorney for Applicant(s)
Reg. No. 42,059
Tel.: 908-518-7700

Mayer & Williams PC
Customer Number 27774

Enclosures: ☒ PTO/SB/08
☒ References
☐ Search Report
☐ Other:

Certificate of Mailing By First Class Mail

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail under 37 CFR 1.8 in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on 6/8/2007

Beth Shadmi
(Printed name of Person Mailing Correspondence)


(Signature)

Application No.: 10/527,345

Please type a plus sign (+) inside this box. FORM PTO/8B/08

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|---|------------------------|----------------------|------------------------|
| Substitute for form 1449A/PTO | | Complete if Known | |
| INFORMATION DISCLOSURE STATEMENT BY APPLICANT (use as many sheets as necessary) | | Application Number | 10/527,345 |
| | | Intl Filing Date | 08/20/2003 |
| | | First Named Inventor | Martina Rimmele et al. |
| | | Group Art Unit | 1651 |
| | | Examiner Name | Unassigned |
| Sheet 1 of 2 | Attorney Docket Number | 7003/35 | |

| Examiner Initials* | Cite No. ¹ | U.S. Patent Document | | Name of Patentee or Applicant of Cited Document | Issue Date MM-DD-YYYY |
|-----------------------|--------------------------|----------------------|----------------|--|--------------------------|
| | | Number | class/Subclass | | |
| | 1. | 5,972,638 | 435/29 | Burlage et al. | 10-26-1999 |

| Examiner Initials* | Cite No. ¹ | U.S. Patent Publication | | Name of Patentee or Applicant of Cited Document | Date of Publication of Cited Document +MM-DD-YYYY |
|-----------------------|--------------------------|-------------------------|----------------|---|---|
| | | Number | Class/Subclass | | |
| | 1. | 2004/0053280 A1 | 435/6 | Kage | 03-18-2004 |

| Examiner Initials* | Cite No. ¹ | Foreign Patent Document | | | Name of Patentee or Applicant of Cited Document | Date of Publication of Cited Document MM-DD-YYYY | T |
|-----------------------|--------------------------|-------------------------|---------------|-----------------|---|--|---|
| | | Office ³ | Number | Class/ Subclass | | | |
| | 1. | DE | 199 16 417 A1 | C 07 H 21/00 | Schering AG (English Abstract attached) | 10-19-2000 | |
| | 2. | WO | 95/06118 | C 12N 15/12 | Board of Regents of the University of Oklahoma | 03-02-1995 | |
| | 3. | WO | 00/70329 | G 01N | Brandeis University | 11-23-2000 | |
| | 4. | WO | 01/86263 A2 | G 01N 21/64 | The Johns Hopkins University | 11-15-2001 | |
| | 5. | WO | 00/11446 | G 01N | University of Virginia Patent Foundation | 03-02-2000 | |

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| Examiner Signature | | Date Considered | |
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹²Unique citation designation number. ²Applicant is to place a check mark here if English language Translation is attached.

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| Substitute for form 1449A/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT (use as many sheets as necessary) | | | | <i>Complete if Known</i> | |
| | | | | Application Number | 10/527,345 |
| | | | | Intl Filing Date | 08/20/2003 |
| | | | | First Named Inventor | Martina Rimmele et al. |
| | | | | Group Art Unit | 1651 |
| | | | | Examiner Name | Unassigned |
| Sheet | 2 | of | 2 | Attorney Docket Number | 7003/35 |

| OTHER PRIOR ART – NON PATENT LITERATURE DOCUMENTS | | | |
|---|-----------------------|---|----------------|
| Examiner Initials* | Cite No. ¹ | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published. | T ² |
| | 1. | JEHUDA YINON, "Field Detection and Monitoring of Explosives", <i>Trends in analytical chemistry</i> , Vol. 21, No. 4, 2002, pp. 292-301. | |
| | 2. | SUMEDHA D. JAYASENA, "Aptamers: An Emerging Class of Molecules That Rival Antibodies in Diagnostics", <i>Clinical Chemistry</i> , 45:9, pp. 1629-1650. | |
| | 3. | RADISLAV A. POTYRAILO et al., "Adapting Selected Nucleic Acid Ligands (Aptamers) to Biosensors", <i>Anal. Chem.</i> , 70, 1998, pp. 3419-3425. | |
| | 4. | LISA C. SHRIVER-LAKE et al., "Detection of TNT in Water Using an Evanescent Wave Fiber-Optic Biosensor", <i>Analytical Chemistry</i> , Vol. 67, No. 14, July 15, 1995, pp. 2431-2435. | |
| | 5. | F. KLEINJUNG et al., "High-Affinity RNA as a Recognition Element in a Biosensor", <i>Analytical Chemistry</i> , Vol. 70, No. 2, January 15, 1998, pp. 328-331. | |
| | 6. | IRINA B. BAKALTCHEVA et al., "A fiber optic biosensor for multianalyte detection: importance of preventing fluorophore aggregation", <i>Sensors and Actuators</i> , B 51 1998, pp. 46-51. | |
| | 7. | MYOYONG LEE et al., "A Fiber-Optic Microarray Biosensor Using Aptamers as Receptors", <i>Analytical Biochemistry</i> , 282, 2000, pp. 142-146. | |
| | 8. | H. CRAIG et al., "Field Demonstration of on-site Analytical Methods for TNT and RDX in Ground Water", 16 pages. | |

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|--------------------|--|-----------------|--|
| Examiner Signature | | Date Considered | |
|--------------------|--|-----------------|--|

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